

In re: Appln No. 10/027,387
Amendment dated October 1, 2004
Reply to Office action of June 14, 2004

Atty Docket: 6037-001

Remarks

Claims 1-26 were pending prior to the present amendment. Upon entry of the present amendment, Claims 1-26 remain pending, wherein Claims 1, 4, and 10 are independent claims. Claim 10 has been amended from a claim depending from Claim 1 to an independent claim. Because only three independent claims are pending and the total number of claims is the same as the largest number total claims in the application to date, it is believed that no additional claim fees are required.

35 USC 112, para. 1

The Examiner contends that Claims 1-26 are not enabled, because the specification only enables specific powders having specific sizes. Further, the Examiner indicates that page 6 recites that particles above 1000 nm are undesirable. Although Applicants respectfully traverse, this rejection is moot in light of the foregoing amendments. Claim 1 and therefore all claims depending therefrom, now recited a powder,

comprising particles selected from the group consisting of metals, metal alloys, metal blends, metal compounds, carbon, carbon derivatives and combinations thereof having an average particle size in the nanometer to micron range.

This amendment finds support throughout the specification, including page 6, lines 6-7, 22-24. The size limitation is substantially unchanged because the specification recites nano-particles to micron-particle size powders at page 6, line 6. Although the particles, **TEND TO** have some less desirable properties above 1000 nm (see page 6, lines 17-20), such particles are still within the scope of the disclosure. In fact, nano-sized particles are defined to include an average size of up to 2000 nm (page 4, lines 9-10).

Claim 4 and the claims depending therefrom now contains the term,

comprising particles selected from the group consisting of metals, metal alloys, metal blends, metal compounds, carbon, carbon derivatives and combinations thereof having an average particle size of between about 1 nanometer to about 1 micron.

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Similarly, new independent Claim 10 also now specifies the particles and the particle sizes. Because the Examiner's objections have been overcome, Applicants respectfully request withdrawal of this rejection.

35 USC 112, para. 2: Claim Objections

The Examiner cited a litany of specific objections as a failure to particularly point out and claim the subject regarded as the invention, or as simple objections. Where the Applicants have not traversed, Applicants thank the Examiner for the careful examination that uncovered these errors. Applicants have addressed each of these objections by amending the appropriate claim limitations. Further, Applicants have also made additional amendments to address typographical and grammatical errors.

With respect to Claim 1, applicants respectfully traverse the Examiner's objection to the term "in the nanometer to micron size range." While Applicants have responded by modifying the language to "in the nanometer to micron range," it is apparent that the particle size of the powder can range from nanometer to micron. This is supported at page 6, line 6 which recites "nano-particle to micron-particle size powders." If the explanation is still unsatisfactory, Applicants respectfully request a telephone interview to try to clarify this term. Otherwise, Applicants respectfully request withdrawal of the rejection.

JP 59-165691 Cannot be properly cited to render Claims 1, 10 and 13 obvious

Claims 1, 10 and 13 were rejected by the Examiner as obvious over JP 59-165691 to Fujitsu Ltd. (hereinafter "Fujitsu"). The Examiner contends that Fujitsu teaches a heat transfer ink sheet comprising fine powder particles of carbon black coated with vinyl acetate resin. In the present disclosure, vinyl acetate is listed as a heat-transfer medium (p. 15, lines 3-4), not a coating. Therefore Fujitsu does not teach the coating limitation required in each of the rejected claims. Further, Fujitsu also does not teach the phase change material recited in each of the rejected claims. Furthermore, Fujitsu is directed at heat transfer inks. As disclosed in Fujitsu, the carbon is an ink that is transferred from the sheet to a printed material by heat, and is not a

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means for facilitating heat transfer. Accordingly, Applicants respectfully request withdrawal of this rejection.

Non-statutory double patenting is obviated by the Terminal Disclaimer

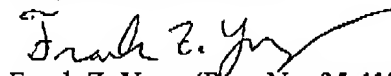
Claims 1-26 were rejected over U.S. 6,432,320 for obviousness double patenting. Applicants have filed a terminal disclaimer with this response. Accordingly, the rejection has been overcome.

Summary

Applicants respectfully submit that the presently pending claims have overcome all of the Examiner's rejections and objections. Accordingly, Applicants respectfully request allowance of the pending claims. Should the Examiner require any further information or wish to discuss any aspect of this Response, Applicants respectfully request that the Examiner contact the undersigned at the telephone number listed below.

It is believed that no fees are required for this filing. However, should a fee be required, the director is hereby authorized to deduct any such fee from deposit account 18-2000. This page is submitted in duplicate.

Respectfully submitted,



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October 1, 2004

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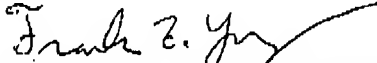
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